

From: "Cindy Rude" <CRude@calhouncountymi.gov>
To: <courtformsinfo@courts.mi.gov>
Date: 8/20/2007 1:36 PM
Subject: Proposed Court Forms Changes - Probate
Attachments: PET WITHDRAW FUNDS.pdf; Not of Return to Hospital.pdf

Comments are given in the same order as taken from web-site.

Notary:
No comment

MCL 700.1309, Appointment of Special Fiduciary:
It is always helpful to have the MCL cites on the court forms.

PC 577, Inventory:
Our staff liked the idea of having separate inventory forms for estates (from date of death) and conservatorships (from date of qualification) with a column for the type of ownership. (This appeared to be a proposal from the draft provided.) Other comments:

Inventory - Decedent's Estate: No need for proof of SEV (no statute or court rule support), but there is a statutory requirement to include amount of liens, so a column for that might be helpful, keeping in mind that it will not affect the gross value for determining inventory fee, but will affect the net value for heirs/devisees. Also, no statute or court rule support for requiring appraisal.

Inventory - Conservatorships: Same comments for proof of SEV, value or appraisal. Would prefer a place to insert the date of appointment to clear up confusion regarding definition of 'date of qualification'.

PC 584, Account of Fiduciary:
This question goes to preference - we offer no comment.

PC 585a, Petition to Allow Account(s):
We would propose changing #6 to read:
☐ Allowance of my final account, and ☐ that I be discharged; ☐ that the bond be cancelled; ☐ that the file be closed.

PC 585b, Order Allowing Account(s):
We would the following be put in the place of the current #8 and #9:
☐ The final account of the fiduciary is allowed. ☐ The fiduciary is discharged. ☐ Upon filing proof of proper transfer of remaining assets, the bond will be cancelled, and the fiduciary will be discharged. ☐ The file is closed.

PC 647, Order Approving Sale of Real Estate:
No need for change.

PC 556, Petition and Order for Assignment:
No need for change.

PC 559, Petition for Probate and/or Appointment of Personal Representation and PC 594, Petition for Adjudication of Testacy and Complete Estate Settlement:
Recommend that a request be added to the Petition to parallel the

Order:

☐ The will and codicil(s) be found valid and be admitted to probate.

PC 572, Letters of Authority for Personal Representative:

No comment.

PC 587, Notice of Continued Administration:

We recommend adding #4 to the form:

The following are unpaid creditors at the time of this filing:

PC 589, Notice of Intent to Close Estate Administration and Terminate Personal Representative's Authority:

Add a bullet under 3b for a petition to remove PR and appoint successor

PC 593, Petition for Complete Estate Settlement:

Agree with suggested changes to this form.

PC 590, Sworn Closing Statement, Summary Proceeding, Small Estates:

No need for change.

New Form, Affidavit of Incumbency:

We would suggest the use of PC 610, Registration of Trust, with modifications if necessary.

PC 625, Petition for Appointment of Guardian of Incapacitated Individual:

Because age is not the only factor to consider when determining whether or not to file legally incapacitated vs. developmentally disabled, we believe that the suggested addition under #6 would NOT help but possibly create more confusion.

Also, regarding the conflict between statute and court rule, Judge Harter notes the discrepancy and comments that it would be easier to change the court rules than legislation.

PC 638b, Order Regarding Appointment of Guardian for Individual with Developmental Disability:

Agree with suggested change.

PC 639, Petition for Appointment of Conservator and/or Protective

Order:

Judge Harter notes the discrepancy and comments that it would be easier to change the court rules than legislation.

PC 642, Order Appointing Guardian Ad Litem/Attorney/Lawyer Guardian Ad Litem:

No comment.

PC 657, Order Following Hearing to Terminate Minor Guardianship:

No comment.

PC 669, Proof of Restricted Account and Annual Verification of Funds on Deposit; New Forms:

We would propose to remove (Conservatorship of Minor) from title of form, so it can be used for any conservatorship. We would oppose the

creation of new forms, suggesting instead that the current form be modified to accommodate the request by adding the following:

☐ As of this date, I have not received any assets for the ward (signature of fiduciary).

I declare under penalties of perjury... (taken from proposed new form)

New Form, Petition and Order to Use Funds:

We agree that a SCAO approved form would assist with uniformity. Our form (Pet Withdraw Funds) is attached as a sample.

PCM 201, Petition/Application for Hospitalization:

We agree with the proposal to add the citation to the bottom of the form. However, we see no need for any other changes.

PCM 240, Petition and Order to Transport Minor:

Agree with proposed change, pursuant to MCL 330.1498d(1)(a).

PCM 241, Notice of Right to Request Hearing:

We agree with the need for a/the form to accommodate the statute which allows the subject to be returned to the hospital under a psychiatrist's order. The middle sentence in the top of the form could be reworded as:

You have been returned to the hospital because:

☐ the psychiatrist ordered your return; or
☐ the court entered a modified order after being notified that ☐ the alternative program was insufficient, ☐ you did not comply with the alternative program.

In the alternative, we are attaching the form currently used by our CMH/hospitals as a sample, which could be used as a separate, new form.

New Forms, MCL 330.1519:

Not necessary.

Thank you for the opportunity to comment.

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STATE OF MICHIGAN COUNTY OF CALHOUN PROBATE COURT	NOTIFICATION OF RETURN TO HOSPITAL AND RIGHT TO OBJECT	File No.:
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In the Matter of

- Pursuant to the provisions of the order allowing a psychiatrist to order the return of the patient to the hospital, I make this notification as
 - ☐ the psychiatrist.
 - ☐ a representative of the agency supervising the individual's alternative/assisted outpatient treatment program.
- There remain _____ days of hospitalization under the last order. The individual needs immediate hospitalization.
- The patient is being returned to the hospital for the following reasons:

Date

Signature

Title

Business Address

Hospital/Agency

City, State, Zip

Phone

Patient's Acknowledgment of Return to Hospital
--

I acknowledge that I have been notified of my right to object to my return to the hospital.

☐ I object to hospitalization.

☐ I do not object to hospitalization.

Date

Signature

Proof of Service

A copy of this notice and acknowledgment was faxed to the court on this date.

Date: _____

Signature

\$20 FILING FEE, \$11 CERTIFIED COPY FEE - for Adults

No Filing Fee for Minors

STATE OF MICHIGAN PROBATE COURT COUNTY OF CALHOUN CIRCUIT COURT - FAMILY DIVISION	PETITION AND ORDER FOR USE OF FUNDS	FILE NO.
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MATTER OF: _____

I, _____, am conservator of the estate and I want permission to
withdraw \$ _____ of this wards money to be used as follows: _____

I understand this money can only be used for the benefit of this ward. At the present time, the wards assets are approximately
\$ _____. If the Court approves this request, this money will be withdrawn from account # _____ at
_____.

I declare that this petition has been examined by me and it is true.

Date: _____

Signature of Conservator

Address

City, State, Zip

Telephone

ORDER

IT IS ORDERED THAT this request is:

☐ **DENIED:** ☐ **GRANTED** as requested: ☐ **GRANTED** in part:

IT IS FURTHER ORDERED that the Conservator is authorized to withdraw the amount of \$ _____ from the account of the
above indicated ward. Access to the remainder of the funds are still restricted. **RECEIPTS OR PROOF THAT THE MONEY
WAS SPENT FOR THE PURPOSE REQUESTED SHALL BE FILED WITH THE COURT WITHIN 30 DAYS.**

Date: _____

Judge of Probate

INSTRUCTIONS TO THE BANK: DO NOT ACCEPT ANYTHING OTHER THAN A CERTIFIED COPY OF THIS ORDER
WITH THE COURT'S SEAL. **PLEASE RETAIN THIS CERTIFIED COPY.**

I certify that I have compared this copy with the original on file in this Court and that it is a correct copy of the whole of such original.

Date: _____

Deputy Register

Do not write below this line-for Court use only

PETITION AND ORDER FOR USE OF FUNDS